

# Court of Appeals, State of Michigan

## ORDER

People of MI v Malcolm P Coleman

Docket No. 298882

LC No. 2004-195185-FC

Mark J. Cavanagh  
Presiding Judge

E. Thomas Fitzgerald

Pat M. Donofrio  
Judges

Pursuant to MCR 7.205(D)(2), the Court orders that the June 3, 2010 order denying defendant's motion for clarification concerning the specific reasoning behind the March 25, 2009 amended order to remit prisoner funds for fines, costs, and assessments is VACATED, and this matter is REMANDED to the circuit court for reconsideration. The March 25, 2009 amended order to remit prisoner funds for fines, costs, and assessments states that defendant owes a balance of \$5,380, not including victim restitution, for the obligation ordered in the February 22, 2005 judgment of sentence. It directs the Department of Corrections to collect a portion of funds received by defendant each month to satisfy that obligation, purportedly pursuant to MCL 769.1k and MCL 769.1l. However, the February 22, 2005 judgment of sentence orders defendant to pay only \$60 to the crime victim rights fund and \$120 for state minimum costs. It does not include an obligation to pay the expenses of providing legal counsel pursuant to MCL 769.1k(2)(b)(iii) or otherwise order the payment of fines, costs, and assessments.

ON REMAND, the trial court shall review the basis for the determination that defendant has a balance of \$5,380 that is not for restitution, clarify that basis on the record and, if necessary, reconsider that determination.

The motion to waive fees is GRANTED, and FEES ARE GRANTED FOR THIS APPEAL ONLY.

This Court retains no further jurisdiction.



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

FEB 04 2011

Date

  
Chief Clerk